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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Rune Ulekleiv

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WASHINGTON, DC 20005

EXAMINER

WILLOUGHBY, TERRENCE RONIQUE

ART UNIT

PAPER NUMBER

2836

NOTIFICATION DATE

DELIVERY MODE

04/16/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/599,094	<b>Applicant(s)</b> ULEKLEIV ET AL.	
	<b>Examiner</b> TERRENCE R. WILLOUGHBY	<b>Art Unit</b> 2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Applicant's amendment filed on December 1, 2008 has been entered. Accordingly claims 1, 8-9 have been amended. Claims 2-7 and 10 were presently presented. New claim 11 was added. Therefore, claims 1-11 remain pending the present application. It also included remarks/arguments.

#### ***Allowable Subject Matter***

2. The indicated allowability of claim 10 is withdrawn in view of the newly discovered reference(s) to Swain (US 3,625,264). Rejections based on the newly cited reference(s) follow.

#### ***Claim Objections***

3. Claim 9 recites the limitation "the outlet of the valve means" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

4. Claim 11 objected to because of the following informalities:

5. Claim 11 recites, wherein the fluid container, at is upper end, is..... etc. The examiner believes the claim should be changed and recite wherein the fluid container, at its upper end.....etc.

Appropriate correction is required.

6. Claims 1 and 11 recites the limitation "**said means**" in the last line of the claim. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 112***

7. Claims 1, 4, 9 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 4 and 11, seems to recite **means plus functional language** and further recites two "and/or" limitations recited in lines 8 and 9 of the claim and further recites another "and/or" limitation in line 12 of the claim, which makes these "and/or" combinations and the overall claimed structure vague and indefinite.

Claims 1, 9 and 11 also recites "**valve means**" as this seems to recite structure (i.e. the valve, 18) which does not have a function in a means plus functional claim.

Claim 4, recites the phrase "**a more or less**" which renders the claim vague and indefinite.

Claim 9, recites the phrase "**preferably to a largest possible degree**" which renders the claim vague and indefinite.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swain (US 3,625,264) in view of Smith et al. (US 4,862,316).

10. Regarding claims 1 and 9, Swain discloses in (Figs. 1-2), a fluid container (10) for storage of fluids, , at it upper end (16), is provided with a valve means (46, 62) forming a part of the fluid container (10), through which fluid filing and discharging occur, and wherein the fluid container (10) is provided with means (14) for preventing electrostatic charges during filing operations, characterized in that means for reducing and/or preventing build-up electrical and/or electrostatic potential on the interior wall of the container (10) during filling of the container (10) is arranged as an integral part of the upper end (16) of the container (10) wall in association with the valve means (46, 62); said means substantially reducing the fluid velocity and/or changing the direction of he fluid flow during filling and wherein the valve means (46, 62) is provided with a passage (22), characterized in that the fluid is made to change direction of flow at least once at the upper end of the container (i.e. the change of direction of flow is indicated arrows). See also (col. 1, ll. 19-21 and col. 1, ll. 60-75; col. 2, ll. 17-39; col. 3, ll. 43-70).

Swain does not specifically disclose wherein the fluid container (10) is made of thermoplastic materials and fibre composite materials having a low electricity conductivity.

Smith et al. discloses in (Fig. 1), a static charge dissipating housing (10, 12, 14, 16) made out of a thermoplastic materials and fibre composite materials having a low electricity conductivity (col. 4, ll. 18-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the fluid container housing as taught by Swain with the thermoplastic materials and fibre composite materials having a low electricity as taught by Smith et al., in order provide an improved housing that prevents static electricity charges and also improving the structural strength of the housing.

11. Regarding claim 2, Swain in view of Smith et al. discloses the fluid container according to claim 1, wherein a collar or cavity (Swain, Fig. 2, 26) is arranged in the fluid container (Swain, Fig. 2, 10) in the region of the valve means (Swain, Fig. 2, 46), and wherein openings (Swain, Fig. 2, 48) of the valve means (Swain, Fig. 2, 46) communicate with said cavity (Swain, Fig. 2, 26).

12. Regarding claim 3, Swain in view of Smith et al. discloses the fluid container according to claim 2, wherein the cavity (Swain, Fig. 2, 26) is provided with at least one opening (Swain, Fig. 2, 48) communicating with the interior of the container (Swain, Fig. 2, 10).

13. Regarding claim 4, Swain in view of Smith et al. discloses the fluid container according to claim 1, wherein said means for reducing and/or preventing build-up of electrical and/or electrostatic potential comprises a surface (Swain, Fig. 2, 32, 34, 38) surrounding the valve means (Swain, Fig. 2, 46), against which surface (Swain, Fig. 2, 32, 34, 38) the fluid is intended to hit in order to change the direction of flow (Swain, Fig. 2, i.e. the direction of flow is indicated arrows) and/or velocity of flow into a more or less transverse direction of flow.

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14. Regarding claim 5, Swain in view of Smith et al. discloses the fluid container according to claim 1, wherein the means for reducing and/or preventing build-up of electrical and/or electrostatic potential comprises nozzles or openings (Swain, Fig. 2, 40, 48).

15. Regarding claim 6, Swain in view of Smith et al. discloses the fluid container according to claim 5, wherein the openings (Swain, Fig. 2, 40, 48) or nozzles form a turbulent flow out of said openings (Swain, Fig. 2, 48) or nozzles.

16. Regarding claim 7, Swain in view of Smith et al. discloses the fluid container according to claim 5, wherein the openings (Swain, Fig. 2, 40, 48) or nozzles form a laminar flow out of said openings (Swain, Fig. 2, 40, 48) or nozzles.

17. Regarding claim 8, Swain in view of Smith et al. discloses the fluid container according to claim 1, further comprising an outer casing and/or inner container (Smith et al., Fig. 1, 12, 14, 16) made of an electrically conducting material or provided with elements or material making the casing and/or the inner container electrically conductive (Smith et al., col. 3, ll. 5-8; col. 4, ll. 15-38).

18. Regarding claim 10, Swain in view of Smith et al. discloses the method according to claim 9, wherein the direction of fluid flow at the outlet of the valve means (Swain, Fig. 2, 46, 62) is changed from an axial direction with respect to the valve means (Swain, Fig. 2, 46, 62) to a lateral direction, perpendicular on the said axial direction, whereupon the direction of flow is then changed back to a flow in said axial direction. The direction of fluid flow is illustrated in Fig.2 indicated by the arrows which shows changed in direction of the fluid flow from a axial direction with respect to the valve

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means (46) and the upper end (32) to a lateral direction, perpendicular on the said axial direction, whereupon the direction of flow is then changed back to a flow in said axial direction. The coned shaped upper end (32) which has an apex located in axial alignment with the center line of the input passage is adapted to direct the fluid flow laterally against the tank container walls until it enter the valve port (40) and plurality of openings (48) where the fluid flow changes direction back into an axial direction before entering into the lower housing member (18) where the fluid flow will continue to flow in a axial direction until the fluid flow directs again into a laterally direction due to the curved deflector flange (78) located at the lower end of the valve housing (74).

19. Regarding claim 11, Swain discloses in (Figs. 1-2), a fluid container (10) for storage of fluids, wherein the fluid container (10), at upper end (16), is provided with a valve means (46, 62) forming a part of the fluid container (10), through which fluid filling and discharging occur, and wherein the fluid container (10) is provided with means (14) for preventing electrostatic charges during filling operations, characterized in that the valve means (46, 62) is provided with ducts (40, 66) and restriction means (48) for reducing and/or preventing build-up electrical and/or electrostatic potential on the interior wall of the container (10) during filling of the container (10), said ducts (40, 66) and restriction means (48) for reducing build-up being arranged as an integral part of the valve means (46, 62); said means substantially reducing the fluid velocity and/or change the direction of the fluid flow during filling (i.e. the change of direction of flow is indicated arrows). See also (col. 1, ll. 19-21 and col. 1, ll. 60-75; col. 2, ll. 17-39; col. 3, ll. 43-70).



Swain does not specifically disclose wherein the fluid container (10) is made of thermoplastic materials and fibre composite materials having a low electricity conductivity.

Smith et al. discloses in (Fig. 1), a static charge dissipating housing (10, 12, 14, 16) made out of a thermoplastic materials and fibre composite materials having a low electricity conductivity (col. 4, ll. 18-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the fluid container housing as taught by Swain with the thermoplastic materials and fibre composite materials having a low electricity as taught by Smith et al., in order provide an improved housing that prevents static electricity charges and also improving the structural strength of the housing.

### ***Response to Arguments***

20. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TERRENCE R. WILLOUGHBY whose telephone number is (571)272-2725. The examiner can normally be reached on 8-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Elms can be reached on 571-272-1869. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Terrence R Willoughby/  
Examiner, Art Unit 2836  
4/9/09  
/Fritz M Fleming/

Primary Examiner, Art Unit 2836